

## Optometry Coding & Billing Alert

### Reader Questions: Avoid Record Withholding as a Collections Effort

**Question:** A patient who owes us a lot of money is now seeing a new eye doctor who has requested a copy of the patient's chart. Would our office be able to legally deny sending a copy to the requesting new physician until the patient pays his balance? We have tried several collection attempts on this patient, but we think this might be our only way of getting the money he owes us.

Texas Subscriber

**Answer:** Most states consider it unethical to withhold medical records due to a patient's financial standing.

**Example:** According to the Texas Medical Association, "It is unethical for a physician to refuse or to delay improperly in responding to a valid request for transfer of a former patient's medical records because of an unpaid bill. The physician's first responsibility is the care and welfare of the patient. Other alternatives are available for the collection of fees."

Many other states, such as Iowa, Arizona and Maryland, have similar laws restricting physicians from withholding records from patients with outstanding bills.

**Plus:** The Department of Health and Human Services (HHS) publishes a brochure on patient rights, which tells patients requesting medical records that "in most cases, your copies must be given to you within 30 days, but this can be extended for another 30 days if you are given a reason."

HHS does not list outstanding balances as a valid reason for failing to send a patient his records.

**Best bet:** If you are curious about whether your state imposes such regulations, contact your local medical association or a healthcare attorney.

**Collect from the patient:** Do not be afraid to use a collection agency if the patient owes you money and refuses to pay you. Since withholding the medical records is not a reasonable or ethical tool to get paid, do not hesitate to use collection agencies, which use the tools of credit reporting bureaus.